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Fax 703-872-9306
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From Allyson K. Jacobs
.....
Tel 919-483-9105 Fax 919-483-7988
.....
E-mail aki27836@glaxowellcome.com
.....
Date 2/9/2005 Pages including cover 10
.....
Subject Serial No.: 10/030,527;
.....
Filing Date: 1/9/02
.....

Glaxo Wellcome Inc.
PO Box 13398
Five Moore Drive
Research Triangle Park
North Carolina 27709
Tel: 919 483 2100
www.gsk.com

Attached:

Application for Patent Term Adjustment
Copy of Determination of Patent Term Adjustment under 35 U.S.C. 154(b)
Copy of Patent Term Adjustment History from PAIR
Copy of Auto-Reply Facsimile Transmission (7/31/03)
Copy of Certificate of Transmission (7/31/03)
Certificate of Transmission

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Cockerill et al

Serial No.: 10/030,527

Filing Date: January 9, 2002

Examiner: B. Kifle

Art Unit: 1624

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For: ANILINOQUINAZOLINES AS PROTEIN TYROSINE KINASE INHIBITORS
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Washington D.C. 20231

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 1.705(b)

Sir:

Applicants request reinstatement of part of the term reduced under 37 C.F.R. 1.704(b) and make herein application for patent term adjustment under 37 C.F.R. 1.705(b) before payment of the issue fee and after receipt of the Notice of Allowance.

Fee

Applicants include herein authorization to charge Applicants Deposit Account for the required fee under 37 C.F.R. 1.18(e).

Statement of Facts

The following is a statement of facts regarding the patent term adjustment disputed by applicants:

1. Applicants received a Notice of Allowance mailed November 12, 2004, which included a determination of patent term adjustment 35 U.S.C. 154(b) (copy attached). The determination concluded that Applicants patent term adjustment to date was 0 days.

2. In preparation for the payment of the issue fee, Applicants consulted the Patent Application Information Retrieval (PAIR) website to review

Atty. Docket No.: PU3743USW

the patent term adjustment. The PAIR printout of the patent term adjustment history is attached.

3. The PAIR patent term adjustment printout history indicated that Applicants' response to the Restriction Requirement of the Office Action mailed July 2, 2003 was filed on January 7, 2004. Therefore, Applicants had 97 days deducted in the calculation of the patent term adjustment.

4. This is incorrect. Applicants' response to the aforementioned Office Action was timely filed by fax on July 31, 2003. Attached herein are a Certificate of Transmission under 37 C.F.R. 1.8 and an acknowledgement from the USPTO that said fax was received on July 31, 2003, evidencing timely filing of the response.

5. Applicants respectfully assert that the 97 days deducted in the patent term adjustment calculation be restored. Further, Applicants believe that since a non-final Office Action was mailed January 8, 2004, which was greater than 4 months past the filing date of the response to the Restriction requirement Applicants are due an additional 38 days resulting from USPTO delay in responding to the Restriction Requirement response filed July 31, 2003.

6. Applicants believe the patent term adjustment calculation as of the issue fee payment date should be as follows (Reference is made to the appropriate CFR section supporting the addition or deletion of term restoration:

	Add	Delete
1.703(a)(1)	115	
1.703(a)(2)	38	
1.704(b)		32
1.704(c)(8)	<u> </u>	<u>25</u>
	153	57

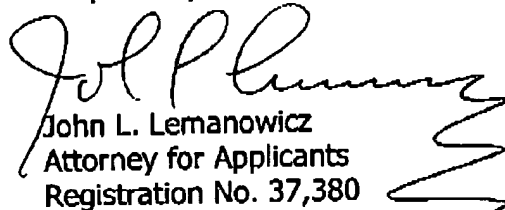
Total restoration = 96 days

Atty. Docket No.: PU3743USW

7. Finally, the subject application is not subject to a terminal disclaimer. Additionally, Applicants believe that they have made reasonable efforts to conclude examination. Accordingly, Applicants respectfully request patent term adjustment, i.e., restoration of 96 days of additional term due to USPTO delay.

Should any issues remain unresolved in regard to this application for patent term adjustment which would bar grant of the same, the Patent Office is invited to contact the undersigned Attorney at (919) 483-8247, to discuss such issues. Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to affect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,



John L. Lemanowicz
Attorney for Applicants
Registration No. 37,380

Date: 9 February, 2005
Glaxo Wellcome Inc.
Five Moore Drive, PO Box 13398
Research Triangle Park
North Carolina 27709
(919) 483-8247



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,527	01/09/2002	George Stuart Cockrill	PU3743USW	4128
25347	7590	11/12/2004	EXAMINER	
			KIFLE, BRUCK	
			ART UNIT	PAPER NUMBER
			1624	

DAVID J LEVY, CORPORATE INTELLECTUAL
PROPERTY
GLAXOSMITHKLINE
FIVE MOORE DR., PO BOX 13398
RESEARCH TRIANGLE PARK, NC 27709-3398

DATE MAILED: 11/12/2004

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

(571) 272-7701



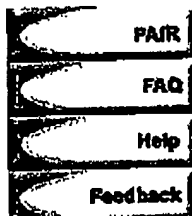
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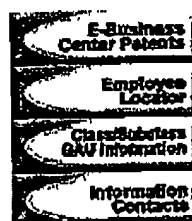
PATENT APPLICATION INFORMATION RETRIEVAL



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Other Links



Patent Term Adjustment (PTA) for application number: 10/030,527			
			Days
Filing or 371(c) Date:	01-09-2002	USPTO Delay (PTO):	115
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	154
Post-Issue Petitions (days):	+0	Total PTA:	0
USPTO Adjustment (days):	+0	Explanation of Calculations	

Select Search Option

Assignments

Continuity Data

Display References

File History

Foreign Priority

Image File Wrapper

Search

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
11-12-2004	Mail Notice of Allowance		
11-12-2004	Mail Examiner's Amendment		
11-10-2004	Issue Revision Completed		
11-10-2004	Notice of Allowance Data Verification Completed		
11-10-2004	Case Docketed to Examiner in GAU		
11-10-2004	Examiner's Amendment Communication		
11-10-2004	Examiner Interview Summary Record (PTOL - 413)		
11-10-2004	Notice of Allowability		
11-09-2004	Date Forwarded to Examiner		
11-03-2004	Response after Non-Final Action		
08-03-2004	Mail Non-Final Rejection		
08-02-2004	Non-Final Rejection		
08-02-2004	Case Docketed to Examiner in GAU		
06-04-2004	Information Disclosure Statement (IDS) Filed		25
06-09-2004	Reference capture on IDS		↑
05-10-2004	Information Disclosure Statement (IDS) Filed		↑
06-04-2004	Date Forwarded to Examiner		↑
05-10-2004	Response after Non-Final Action		32
05-10-2004	Request for Extension of Time - Granted		↑

05-10-2004	Workflow incoming petition IFW		↑
05-10-2004	Workflow incoming amendment IFW		↑
01-08-2004	Mail Non-Final Rejection		↑
01-07-2004	Non-Final Rejection		
01-07-2004	Date Forwarded to Examiner		
01-07-2004	Response to Election / Restriction Filed		27
08-18-2003	Examiner Interview Summary Record (PTOL - 413)		↑
07-02-2003	Mail Restriction Requirement	115	↑
07-02-2003	Requirement for Restriction / Election	↑	
05-07-2002	Case Docketed to Examiner in GAU	↑	
01-09-2002	Preliminary Amendment	↑	
04-14-2002	IFW Scan & PACR Auto Security Review	↑	
04-10-2002	IFW Scan & PACR Auto Security Review	↑	
04-02-2002	Application Dispatched from OIPE	↑	
04-02-2002	Notice of DO/EO Acceptance Mailed	↑	
01-09-2002	Initial Exam Team nn	↑	

2/31/03

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PTO/SB/97 (05-03)

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GLAXO WELLCOME

919 483 7988 NightRHA

NO. 6417 P. 9

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TO:

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6 (including cover page)

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Received
Cover
Page

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JUL 31 2003 3:03PM GLAXO WELLCOME		NO. 6417 P. 1
FAX		 GlaxoSmithKline
To	Group 1024	Glaxo Wellcome Inc. PO Box 12080 Five Moore Drive Research Triangle Park North Carolina 27709 Tel: 919 483 7100 www.GW.com
Company	USPTO	
Fax	703-672-6306	
From	Alyson K. Jacobs	
Tel	919-483-6105	Fax: 919-483-7988
E-mail	ajk27036@glaxowellcome.com	
Date	31-JUL-2003	Pages including cover: 6
Subject	Serial No.: 170290-627	
Filing Date	1/8/02	
Attached: Amendment Transmittal Response to Restriction Certificate of Transmission		
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